



## UNITED STATES PATENT AND TRADEMARK OFFICE



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APPLICATION NO	. Б	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/868,026	_	01/11/2002	Jean-Luc Ridet	A3400PCT-US	5435	
5487	7590	03/04/2003				
ROSS J. O			EXAMINER			
ROUTE 20	2-206	CEUTICALS INC.	NICHOLS, CHRISTOPHER J			
MAIL CODE: D303A BRIDGEWATER, NJ 08807				ART UNIT	PAPER NUMBER	
	,			1647		
					DATE MAILED: 03/04/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No.    Applicanti(s)				
Examiner   Christopher Nichols, Ph.D.   1647			Application No.	Applicant(s)
Christopher Nichols, Ph.D. The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  If the period for reply specified above is less than thirty (30) days, a reply within the statutiony minimum of thirty (30) stays will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply within the statutiony minimum of thirty (30) stays will be considered timely.  If the period for reply specified above is less than thirty (30) days, a reply within the statutiony minimum of thirty (30) stays will be considered timely.  If the period for reply specified above is less than their (30) days, a reply within the statution of their period to reply specified above is less than their (30) days, and specified and will appear (30) of the value of the constitution of their period and their specified and their specifi			09/868,026	RIDET ET AL.
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of term may be available under the provisors of 3 CFR 1.195(a). In no event, however, may a reply be limely filed to the many to available under the provisors of 3 CFR 1.795(a). In no event, however, may a reply be limely filed to the property of the period for reply specified above is less than they (30) days, as now with the statutory minimum of thinly (30) days, will be considered timely.  If the period for reply appendied above, the manitum gate and will apply and will acycles (31) (MONTHS from the maling date of this communication.  False to reply within the set or extended princip for reply will, by statute, cause the application to become ABANDONEO (35 U.S.C. § 133).  Responsive to communication(s) filed on 1 August 2002.  2a] This action is FINAL.  2b] This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213.  2isposition of Claims  4) Claim(s) 1-32 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5is accordance with the practice under Ex partie Quayle, 1935 C.D. 11, 453 O.G. 213.  2isposition of Claims  4) Claim(s) is/are rejected.  7) Claim(s) is/are rejected to set is a consideration and/or election requirement.  Application Papers  Application Papers  Application Papers  Application Papers  Application Fasse and the application of the drawing(s) be held in abeyance. See 37 CFR 1.85(e).  11) The proposed drawing correction filed on is/are: a) accepted or b) objected to by the Examiner.  12) The proposed drawing correction filed on is: a) and accepted or b) objected to by the Examiner.  13) Acknowledgment is made of a claim for foreign priori		Office Action Summary	Examiner	Art Unit
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  are 15X (5) MONTHS from the mailing date of this communication.  If the period for reply is appelled above, the macroma statutory period will apply and will expire SX (5) MONTHS from the mailing date of this communication.  If the period for reply is appelled above, the macroma statutory period will apply and will expire SX (5) MONTHS from the mailing date of this communication.  If the period for reply is appelled above, the macroma statutory period will apply and will expire SX (5) MONTHS from the mailing date of this communication.  If the period communication is apply and will expire SX (5) MONTHS from the mailing date of this communication.  Aver the period by the Office that may have any life the mailing date of this communication. Average from AAMOOMEO (5) US (5, §13)  Responsive to communication(s) filed on 1 August 2002.  2a) This action is FINAL.  2b) This action is non-finat.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Exparte Quayle, 1935 C.D. 11, 453 O.G. 213.  2isposition of Claims  4) Claim(s) 1-32 is/are pending in the application.  4a) Of the above claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are allowed.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) The proposed drawing correction filed on is/are: a) approved by disapproved by the Examiner.  If approved, corrected drawings are required in reply to this Office action.  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some c) None of:  1 Certified copies of the priority documents have been			Christopher Nichols, Ph.D.	1647
THE MAILING DATE OF THIS COMMUNICATION.  Extensions of time may be available under the provision of 37 cPt n. 136(a). In no event, however, may a reply be timely filed after SIX (6) MOSTRIS from the mailing date of this communication.  **To price of crey in specified above, the mainman station previous drappy and will expect X(6) MOSTRIS from the mailing date of this communication of crey in specified above, the mainman station previous drappy and will expect X(6) MOSTRIS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by station and previous or previous of the previous of the previous of the communication, even if timely filed, may reduce any seamed patent term significant or the maintenance and the previous of this communication, even if timely filed, may reduce any seamed patent term significant in the set of the communication of the communication of the previous of the priority documents have been received in this National Stage application of the certified copies of the priority documen	Period fo	The MAILING DATE of this communication app or Reply	ears on the cover sheet with the	correspondence address
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closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.    Disposition of Claims   1-32 is/are pending in the application.	2a) <u></u> ☐	This action is FINAL. 2b)⊠ Thi	s action is non-final.	
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application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application a) The translation of the foreign language provisional application has been received.  15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.  Itachment(s)  Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)  Patent and Trademark Office		2. Certified copies of the priority documents	have been received in Application	on No
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Notice of References Cited (PTO-892)  Notice of Draftsperson's Patent Drawing Review (PTO-948)  Information Disclosure Statement(s) (PTO-1449) Paper No(s)  Other:		-	priority under 35 U.S.C. 99 120	and/or 121.
Patent and Trademark Office	Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of Informal P	
	Patent and Tra	demark Office		



Application/Control Number: 09/868,026

Art Unit: 1647

## DETAILED ACTION

## Election/Restrictions

- 1. Restriction is required under 35 U.S.C. 121 and 372.
- 2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
- 3. In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.
- Group 1, claim(s) 1-13, drawn to a method of producing an essentially pure population of astrocytes and the essentially pure population of astrocytes produced by this method.
- Group 2, claim(s) 14-27 and 29-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is **DNA** encoding **growth factors**, implants and compositions comprising same.
- Group 3, claim(s) 14-27 and 29-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is **DNA** encoding a **neurotrophic factors**, implants and compositions comprising same.
- Group 4, claim(s) 14-27 and 29-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is **DNA** encoding **enzymes**, implants and compositions comprising same.
- Group 5, claim(s) 14-25 and 28-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is **RNA** encoding an **antisense-RNA**, implants and compositions comprising same.
- Group 6, claim(s) 14-25 and 28-32 (each in part), drawn to an essentially pure population of astrocytes comprising astrocytes and an exogenous nucleic acid wherein the nucleic acid is **RNA** encoding **ribozyme**, implants and compositions comprising same.
- 4. The inventions listed as Groups 1, 2, 3, 4, 5, and 6 do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:
- 5. This PCT rule defines special technical features as technical features that identify a contribution which each of the claimed inventions, considered as a whole, makes over prior art. Claim 1 is anticipated by prior art. Wu and Schwartz [(15 March 1998) "Cell Culture Models for Reactive Gliosis: New Perspectives." Journal of Neuroscience Research 51(6): 675-681]



Page 3

Application/Control Number: 09/868,026

Art Unit: 1647

describes the isolation of astrocytes to procure essentially pure cultures (pp. 676-678). Therefore, claim 1 lacks a special technical feature and cannot share one with the other claims.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher James Nichols, Ph.D. whose telephone number is (703) 305-3955. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN February 27<sup>th</sup>, 2003 SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600